

REMARKS

Applicant respectfully requests entry of the amendments and remarks submitted herein. Claims 43 and 44 have been amended; claims 27-42 have been canceled; and new claims 48 and 49 have been added. Support for new claims 48 and 49 can be found in the originally filed claims and throughout the specification. Claims 43-49 are currently pending. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §112 Rejections

Claims 43 and 44 stand rejected under 35 U.S.C. §112, first paragraph, as the Examiner asserted that those claims are not enabled. This rejection is respectfully traversed.

The Examiner asserted that the specification, while being enabling for a method of controlling weight in a person by administering an effective amount of a composition comprising a root extract of *Vernonia glabra* and a leaf and stem extract of *Cissus quadrangularis*, does not reasonably provide enablement for a method of preventing obesity or preventing the addition of weight in a person by administering any and all extracts obtained from the claim-designated plant families.

Without acquiescing to the Examiner's rejection and to expedite prosecution of the pending claims, Applicant has amended claims 43 and 44 as suggested by the Examiner. In view of the amendments and remarks herein, Applicant respectfully requests that the rejection of claims 43 and 44 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claims 43-47 stand rejected under 35 U.S.C. §112, second paragraph, as the Examiner asserted that those claims are indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Applicant respectfully traverses this rejection.

The Examiner indicated that claim 43 is rendered vague and indefinite by the term "extract" because this term, in and of itself, does not adequately delineate its metes and bounds. The Examiner also indicated that the metes and bounds of claim 43 are rendered vague and

indefinite because it is unclear as to what subject the claim-designated plant extracts are administered.

Without acquiescing to the Examiner's rejection and to expedite prosecution of the pending claims, claim 43 has been amended to indicate the type of extract (i.e., aqueous or aqueous alcoholic extract) and the type of plant material(s) (i.e., leaves of *Cissus quandrangularis* plants, stems of *Cissus quandrangularis* plants, and roots of *Vernonia glabra* plants). Applicant also has amended claim 43 to recite that the claimed product is administered to the subject.

In view of the amendments and remarks herein, Applicant respectfully requests that the rejection of claims 43-47 under 35 U.S.C. §112, second paragraph, be withdrawn.

The 35 U.S.C. §102 Rejections

Claims 43 and 44 stand rejected under 35 U.S.C. §102(b) as being anticipated by Igile et al. (*J. Agric. Food Chem.*, 995, 43:2162-2166; reference AQ from the IDS filed on June 27, 2002). This rejection is respectfully traversed.

The Examiner asserted that Igile et al. teaches administering an effective amount of an extract obtained from *Vernonia amygdalina* to mice, which caused a significant reduction in body weight gain.

Without acquiescing to the Examiner's rejection and to expedite prosecution of the pending claims, Applicant has amended claim 43 to recite administering an effective amount of a product obtained by "aqueous or aqueous alcoholic extraction of plant materials selected from the group consisting of leaves of *Cissus quandrangularis* plants, stems of *Cissus quandrangularis* plants, and roots of *Vernonia glabra* plants." Igile et al. contains no such teaching or suggestion. Therefore, Igile et al. does not anticipate the claims as amended.

In view of the amendments and remarks herein, Applicant respectfully requests that the rejection of claims 43 and 44 under 35 U.S.C. §102(b), be withdrawn.

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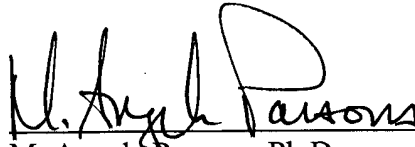
CONCLUSION

Enclosed is a check in the amount of \$490 for the Petition for Three-Month Extension of Time fee. Please apply any other charges or credits to Deposit Account 06-1050.

Respectfully submitted,

Date:

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